REMARKS

Claims 1-12 were examined on their merits.

Since there are no pending objections or art-based rejections against claim 13, Applicants request that the Patent Office indicate that claim 13 is allowable in the next communication from the Patent Office.

Claims 1-13 are all the claims presently pending in the application.

1. Claims 1-12 stand rejected under 35 U.S.C. § 112 (1st para.) as allegedly failing to comply with the written description requirement. Applicants traverse the § 112 (1st para.) rejection of claims 1-12 for at least the reasons discussed below.

The test of enablement is whether one reasonable skilled in the art could make or use the invention from the disclosures in the patent coupled with information known in the art without undue experimentation.[1] Several factors must be considered when determining whether a disclosure satisfies the enablement requirement and whether any necessary experimentation is "undue." As set forth in MPEP § 2164.01(a), the factors include, but are not limited to:

(A) The breadth of the claims;

(B) The nature of the invention;

(C) The state of the prior art;

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[1] *United States v. Telectronics, Inc.*, 857 F.2d 778, 785, 8 U.S.P.Q.2d 1217, 1223 (Fed. Cir. 1988); *Mineral Separation v. Hyde*, 242 U.S. 261, 270 (1916); *In re Wands*, 858 F.2d 731, 737, 8 U.S.P.Q.2d 1400, 1404 (Fed. Cir. 1988).

(D) The level of one of ordinary skill;

(E) The level of predictability in the art;

(F) The amount of direction provided by the inventor;

(G) The existence of working examples; and

(H) The quantity of experimentation needed to make or use the invention.

Here, the Examiner only considers factor (F) in stating that the specification, at the time of filing, would not have taught one skilled in the art how to make and/or use the invention without undue experimentation. Yet it is improper to conclude that a disclosure is not enabling based on an analysis of only one of the above factors while ignoring one or more of the others. The Patent Office's analysis must consider all the evidence related to each of these factors, and any conclusion of non-enablement must be based on the evidence as a whole. *See* MPEP § 2164.01(a).

Furthermore, the Patent Office has failed to establish a reasonable basis to question the enablement provided in specification of the present application. *In re Wright*, 999 F.2d 1557, 1562, 27 U.S.P.Q.2d 1510, 1513 (Fed. Cir. 1993); MPEP 2164.04. The Patent Office relies upon U.S. Patent No. 6,557,037 to Provino to reject the present application, but no mechanism is shown in Provino, nor is there any disclosure, regarding the use of a logical channel to identify an already connected-to virtual private network. The Patent Office has not provided any factual or technical reasoning as to why an artisan of ordinary skill would be able to implement the system disclosed by Provino, but that same artisan would not be able to use the claimed invention without undue experimentation. The Patent Office has not made any showing that the

apparatus required to implement the invention is not readily available. *See In re Ghiron*, 442, F.2d 985, 991, 169 U.S.P.Q.2d 723, 727 (C.C.P.A 1971). The Patent Office has not made any showing that the present invention is directed to an art where results are unpredictable. The burden is on the Patent Office to identify what information is missing and why one of ordinary skill in the art could not supply the information without undue experimentation. Specific technical reasons are always required. *See* MPEP § 2164.04. However, in the instant case, the Patent Office has not provided any cogent technical reasoning as to why one of ordinary skill in the art could not make or use the claimed invention without undue experimentation. As admitted in the instant specification, logical channels are well-known in the art. Other than a bald assertion that the specification is non-enabling, the Patent Office has not made any effort to identify why one of skill in the art would not able to make and use the invention.

Thus, Applicants respectfully request that the Patent Office reconsider and withdraw the § 112 (1st para.) rejection of claims 1-12.

2. Claims 1-12 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Poisson *et al.* (U.S. Patent No. 6,765,591) in view of Provino (U.S. Patent No. 6,557,037). Applicants traverse the rejection of claims 1-12 for at least the reasons discussed below.

The Patent Office acknowledges that Poisson *et al.* fail to teach or suggest connecting to a device outside of a virtual private network (VPN) via a logical tunnel. The Patent Office asserts, however, that Provino discloses, *inter alia*, forwarding a message to a communications device over a logical channel between a network access server and the communications device.

The combination of Poisson *et al.* and Provino fails to teach or suggest at least a method of sending messages between a user and a communication device over a logical channel between a network access server and a communication device, wherein the logical channel refers to an identifier of a host VPN to which the user is currently connected, as recited in claim 1. At best, the combination of Poisson *et al.* and Provino discloses a method of connecting to a firewall-protected virtual private network. There is no teaching or suggestion in the combination of Poisson *et al.* and Provino of a user connecting to another communications device that is outside of a VPN (to which the user is already connected) and using an identifier of the connected-to VPN to facilitate a logical channel for sending messages to and receiving messages from the communications device. The portion of Provino cited by the Patent Office (col. 9, lines 46-60) as allegedly disclosing the use of a connected-to VPN identifier for a logical channel is directed to the establishment of a secure tunnel between a device and a firewall. There is no disclosure in the cited passage, however, of using an identifier of an already connected-to VPN for establishing communications with another device through a logical channel. The Patent Office must point out where, in Provino, there is any teaching or suggestion of a logical channel that refers to an identifier associated with an established VPN connection. In addition, packets traversing the secure tunnel connection described in Provino are sent to a "predetermined integer Internet address associated with the firewall 30 which is reserved for secure tunnel establishment requests." *See* col. 9, lines 52-54 of Provino. There is no reference in Provino that the predetermined integer address is somehow related to an identifier of an already connected-to VPN network, or that the secure tunnel is correlated to or refers to an identifier of an already

connected-to VPN network. There is no disclosure anywhere in Provino of logical channels or the use of a logical channel to refer to an already connected-to VPN. Moreover, Provino is directed to establishing a connection between devices with a firewall that is interposed therebetween, while claim 1 is directed to logical channel operating a Network Access Server and a communications device that identifies an already connected-to VPN. Furthermore, the Patent Office mischaracterizes Provino at col. 10, lines 7-12 by claiming that the cited passage discloses that the secure tunnel uses an identifier of the already connected-to VPN as a tunnel identifier. The cited passage refers to the storage of an identification of the firewall and identifications of encryption and decryption algorithms and associated keys. There is no reference to an identifier of the already connected-to VPN. Thus, Applicants submit that the Patent Office cannot fulfill the "all limitations" prong of a *prima facie* case of obviousness, as required by *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438, 1442 (Fed. Cir. 1991).

Applicants submit that one of skill in the art would not be motivated to combine the two references, since both Poisson *et al.* and Provino lack any teaching about the desirability of sending messages between a user and a communication device over a logical channel between a network access server and a communication device, wherein the logical channel refers to an identifier of a host VPN to which the user is currently connected. As discussed above, neither Possion *et al.* nor Provino teach or suggest the use of a logical channel to refer to an already connected-to VPN for message identification purposes, nor does either reference teach or suggest the use of logical channels in any manner related to identifying a connection to a VPN. Applicants submit that the Patent Office cannot fulfill the motivation prong of a *prima facie* case

of obviousness, as required by *In re Dembiczak*, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999) and *In re Zurko*, 258 F.3d 1379, 1386, 59 U.S.P.Q.2d 1693, 1697-98 (Fed. Cir. 2001).

Based on the foregoing reasons, Applicants submit that the combination of Poisson *et al.* and Provino fails to teach or suggest all of the claimed elements as arranged in claim 1. Thus, Applicants submit that claim 1 is allowable, and further submit that claims 2-7 are allowable as well, at least by virtue of their dependency from claim 1. Applicants respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 1-7.

With respect to claim 8, Applicants submit that claim 8 is allowable for at least reasons analogous to those discussed above with respect to claim 1, in that the combination of Poisson *et al.* and Provino fails to teach or suggest a network access server that sends messages between a user and a communication device over a logical channel between the network access service and the communication device, wherein the logical channel refers to an identifier of a host Virtual Private Network to which the user is currently connected. Thus, Applicants submit that claim 8 is allowable, and respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claim 8.

With respect to claim 9, Applicants submit that claim 8 is allowable for at least reasons analogous to those discussed above with respect to claim 1, in that the combination of Poisson *et al.* and Provino fails to teach or suggest at least a logical channel controller that receives messages sent from a communication device to a user over a logical channel between a network access service and the communication device, wherein the logical channel controller uses the

logical channel (which refers to an identifier of a host Virtual Private Network to which the user is currently connected) to route the message to the user. Thus, Applicants submit that claim 9 is allowable, and respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claim 9.

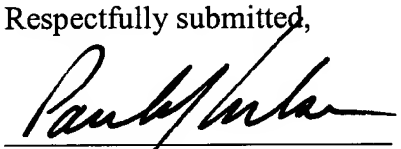
With respect to claim 10, Applicants submit that claim 10 is allowable for at least reasons analogous to those discussed above with respect to claim 1, in that the combination of Poisson *et al.* and Provino fails to teach or suggest a forwarding engine that sends messages between a user and a communication device over a logical channel between a network access service and the communication device, wherein the logical channel refers to an identifier of a host Virtual Private Network to which the user is currently connected. Thus, Applicants submit that claim 10 is allowable, and respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claims 10 and 11.

With respect to claim 12, Applicants submit that claim 12 is allowable for at least reasons analogous to those discussed above with respect to claim 1, in that the combination of Poisson *et al.* and Provino fails to teach or suggest at least a logical channel controller that receives messages sent from a communication device to a user over a logical channel between a network access service and the communication device, wherein the logical channel controller uses the logical channel (which refers to an identifier of a host Virtual Private Network to which the user is currently connected) to route the message to the user. Thus, Applicants submit that claim 12 is allowable, and respectfully request that the Patent Office reconsider and withdraw the § 103(a) rejection of claim 12.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Paul J. Wilson
Registration No. 45,879

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

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